

JUDGE ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

plaintiff,

v.

DEVIN JENNINGS,

defendant

) No. CR04-243JLR

) ORDER CONTINUING TRIAL DATE

This matter having come before the Court upon the motion of the defendant seeking an order from the Court continuing the trial date in this matter from May 24, 2005 to June 20, 2005 or as soon thereafter as is convenient for the Court, and the Court having considered the motion and the affidavit of Michael G. Martin in support of the motion, and the Court otherwise being fully informed in this matter, the Court finds as follows.

1. Mr. Jennings's current counsel's schedule in May 2005 will prevent him from completing the defense investigation and preparing this matter before the current trial date of May 24, 2005.

2. In order to comply with his ethical obligations to his client, counsel for Mr. Jennings needs additional time to prepare this matter for trial.

3. Mr. Jennings has executed a waiver of speedy trial through July 31, 2005 that was filed contemporaneously with the motion to continue the trial date.

4. The United States has no objection to the requested continuance.

5. Continuing the trial date as requested would be in the best interests of the parties and in the interests of justice.

6. Failing to continue the trial date as requested would result in a miscarriage of justice and could result in the ineffective assistance of counsel; now, therefore

IT IS HEREBY ORDERED that the trial in this matter be continued from May 24, 2005 to June 20, 2005. It is further ordered that the time between May 24, 2005 and the new trial date be excludable time under the Speedy Trial Act pursuant to Title 18, USC Sections 3161(h)(8)(A), 3161(h)(8)(B)(i) and 3161(h)(8)(B)(ii).

DONE this 29th day of April, 2005.

s/James L. Robart

UNITED STATES DISTRICT JUDGE